

OCT 2
AUG 22 2003

PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	4	Application Number	09/942,458
		Filing Date	August 29, 2001
		First Named Inventor	Larry A. LAREW
		Art Unit	1654
		Examiner Name	R. Teller
		Attorney Docket Number	342312003801

ENCLOSURES (check all that apply)

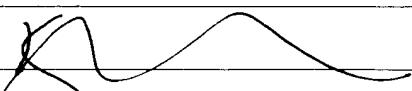
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply - 3 pages	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	1. Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
	Remarks	

RECEIVED

AUG 27 2003

TECH CENTER 1600/2900

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

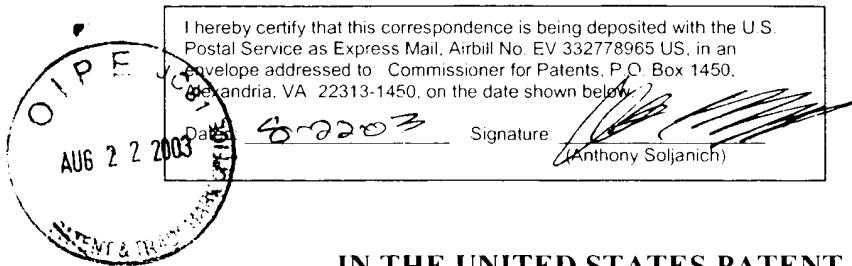
Firm or Individual name	MORRISON & FOERSTER LLP Kimberly A. Bolin - 44,546	25226
Signature		
Date	August 22, 2003	

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 332778965 US, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 8-22-03

Signature: 

(Anthony Soljanich)



Docket No.: 342312003801
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Larry A. LAREW, et al.

Application No.: 09/942,458

Group Art Unit: 1654

Filed: August 29, 2001

Examiner: R. Teller

For: ECHINOCANDIN/CARBOHYDRATE
COMPLEXES

RECEIVED

AUG 27 2003

RESPONSE TO RESTRICTION REQUIREMENT

TECH CENTER 1600/2900

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Detailed Action mailed August 1, 2003 for which a response is due on September 1, 2003. Accordingly this response is timely filed.

The Examiner had required restriction between:

I. Claims 1-6 and 20-23, drawn to an echinocandin/ carbohydrate complex, classified in class 514, subclass 9.

II. Claims 7-19, drawn to a method of making the echinocandin/ carbohydrate complex, classified in class 514, subclass 9.

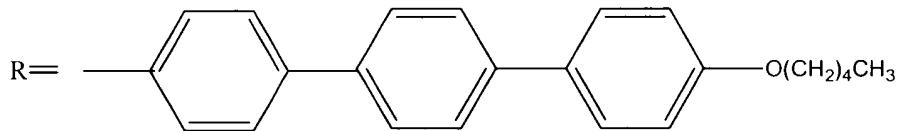
III. Claims 24-27, drawn to a method of treating fungal infection, classified in class 435, subclass 178.

Applicant elected Group I, without traverse in the Response to Restriction Requirement filed with the Office on July 21, 2003. Applicant expressly reserves his/her right under

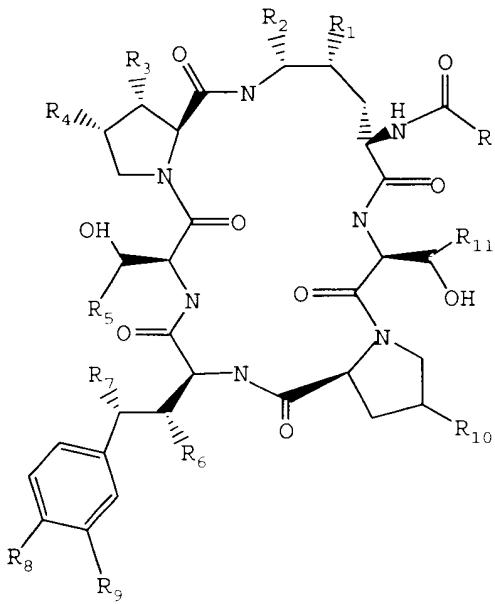
35 U.S.C. § 121 to file a divisional application directed to the non-elected subject matter during the pendency of this application, or an application claiming priority from this application.

The Examiner also has requested an election of species under 35 U.S.C. § 1.121.

A. With respect to claims 1 and 7, the Applicant elects the species where R is aryl. With respect to claims 2 and 8, the Applicant elects the species where R is



B. With regard to claims 1 and 7, the Applicant hereby elects the species where the echinocandin is represented by the formula shown below:



where R₁, R₂, R₃, R₆, R₇, R₈, and R₁₀ are hydroxy groups; R₄, and R₅ are methyl groups; and R₉ is a hydrogen. The Examiner has not requested election of a species with respect to R₁₁, but should the lack of a request be an oversight, the Applicant elects the species where R₁₁ is methyl.

C. With regard to claims 4 and 10, the Applicant hereby elects the species where the carbohydrate is fructose.

D. With regard to claims 5, 6, 11 and 12, the Applicant hereby elects the species where the carbohydrate is D-fructose.

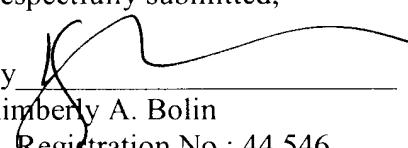
E. With regard to claims 13 and 14, the Applicant hereby elects the species where the solvent is methanol.

Applicant requests examination of the elected subject matter on the merits. The Applicant notes that the generic claims should be considered if one or more species claims are found patentable.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 342312003801. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated August 22, 2003

Respectfully submitted,

By 

Kimberly A. Bolin
Registration No.: 44,546
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304
(650) 813-5740